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REGULATED IMPERVIOUS AREA GENERAL STORMWATER PERMIT

AUTHORITY FOR ISSUANCE

Pursuant to the authority granted by M.G.L. c. 21, §§ 26 through 53 and the regulations promulgated thereunder, the Massachusetts Department of Environmental Protection (the “Department” or “DEP”) hereby issues this Regulated Impervious Area (RIA) General Stormwater Permit to regulate activities that can reasonably be expected to result in the discharge of stormwater from certain privately-owned sites containing impervious surfaces. The RIA General Stormwater Permit is in effect for a period of five years beginning *date* until *date*. In the event that the Department does not reissue this RIA General Stormwater Permit prior to its expiration date, the RIA General Stormwater Permit will be administratively continued. The Department has prepared a Fact Sheet for the RIA General Stormwater Permit. The Fact Sheet is incorporated and made part of the RIA General Stormwater Permit. The Fact Sheet outlines the factual and legal basis for the RIA General Stormwater Permit, identifies the persons required to request coverage under the RIA General Stormwater Permit, and outlines the process for requesting coverage under the RIA General Stormwater Permit.

(NAME & TITLE OF SIGNATURE)

(DATE OF SIGNATURE)

I. DISCHARGES AUTHORIZED BY THE RIA GENERAL STORMWATER PERMIT.

As more fully set forth in the Fact Sheet, a person obtains coverage under the RIA General Stormwater Permit by submitting an Initial Certification and Request for Coverage under the RIA General Stormwater Permit (the Initial Certification). A person granted coverage under the RIA General Stormwater Permit is authorized to discharge stormwater runoff from the RIA Site referenced in the Initial Certification (the “Permitted RIA Site”) to a water of the Commonwealth or to a municipal separate storm sewer system, stormwater management system, or structural stormwater best management practice that discharges stormwater to a water of the Commonwealth in accordance with all the terms and conditions of the RIA General Stormwater Permit. A person granted coverage under the RIA General Stormwater Permit is also authorized to engage in activities that can reasonably be expected to result in the discharge of stormwater runoff from the Permitted RIA Site to a water of the Commonwealth or to a municipal separate storm sewer system, stormwater management system, or structural stormwater best management practice that discharges stormwater to a water of the Commonwealth in accordance with all the terms and conditions of the RIA General Stormwater Permit. This authorization shall commence on the date that the Department issues a written notice to the permittee indicating that coverage under the RIA General Stormwater Permit has been granted. This authorization shall continue as long as the RIA General Stormwater Permit is in effect, unless coverage under the RIA General Stormwater Permit is revoked, suspended, modified, or transferred.

II. DISCHARGES NOT COVERED BY THIS PERMIT.

The RIA General Stormwater Permit does not authorize the following discharges from or activities at the Permitted RIA Site:

- (A) Wastewater discharges to waters of the Commonwealth;
- (B) Discharges of stormwater that originate in an industrial plant or plant-associated area to the ground within the Zone I, Zone A, Zone II or IWPA of a public water system or within 100 feet of a private water supply well, if the discharge is contaminated with process wastes, raw materials, toxic pollutants, hazardous substances, oil or grease;
- (C) Illicit stormwater discharges; and
- (D) Any other discharge or activity that can be reasonably expected to result in a discharge that is not authorized herein.

III. DEFINITIONS.

Critical Areas - Outstanding Resource Waters as designated in 314 CMR 4.00, Special Resource Waters as designated in 314 CMR 4.00, recharge areas for public water supplies as defined in 310 CMR 22.02 (Zone Is, Zone IIs, and Interim Wellhead Protection Areas for ground water

sources, and Zone As for surface water sources), bathing beaches as defined in 105 CMR 445.000, cold-water fisheries and shellfish growing areas.

Development of Impervious Surfaces - the construction of paved surfaces where paved surfaces do not presently exist, the construction of a roof (other than a green roof constructed in accordance with the Massachusetts Stormwater Handbook) as part of a project involving the construction of a building or structure where a building or structure does not presently exist, and the construction of a paved surface or roof (other than a green roof constructed in accordance with the Massachusetts Stormwater Handbook) as part of a project involving the demolition of a building or structure, and the replacement of that building or structure with a new paved surface, building or structure.

Discharge of Stormwater - any addition of pollutants or combination of pollutions from stormwater to waters of the Commonwealth

Illicit Discharge or Illicit Stormwater Discharge - a discharge that is not entirely comprised of stormwater. Notwithstanding the foregoing, an illicit discharge does not include discharges from the following activities or facilities: firefighting, water line flushing, landscape irrigation, uncontaminated ground water, potable water sources, foundation drains, air conditioning condensation, footing drains, individual resident car washing, flows from riparian habitats and wetlands, dechlorinated water from swimming pools, water used for street washing, and water used to clean residential buildings without detergents.

Impervious Surface - a paved parking area, a paved access road or driveway; a paved area used for the storage and/or maintenance of vehicles and/or equipment; a paved area used for the storage of materials, products and/or waste and a roof, other than a green roof constructed in accordance with the Massachusetts Stormwater Handbook. The term “paved access road or driveway” includes an impervious surface leading to any of the following: a paved parking area; a paved area used for the storage and/or maintenance of vehicles and/or equipment; or a paved area used for the storage of materials, products and/or waste. For purposes of the RIA General Stormwater Permit, porous pavement is considered to be an impervious surface.

Infiltration BMPs – the stormwater BMPs listed as infiltration BMPs in the Massachusetts Stormwater Handbook. Infiltration BMPs include the following: infiltration trenches, infiltration basins, subsurface structures, dry wells, leaching catch basins, exfiltrating bioretention areas and rain gardens. If configured to exfiltrate, porous pavement is also an infiltration BMP.

Interim Wellhead Protection Area or IWPA – an Interim Wellhead Protection Area as defined in 310 CMR 22.02. Generally, this is a one-half mile radius from the well or wellfield for sources with an approved pumping rate of 100,000 gallons per day or greater. For smaller sources, the radius in feet is determined by multiplying the approved pumping rate in gallons per minute by 32 and adding 400.

Land Uses with Higher Potential Pollutant Loads - land uses identified in 310 CMR 22.20B(2), 310 CMR 22.20C(2)(a) through (k) and (m), 310 CMR 22.21(2)(a)1 through 8, and 310 CMR 22.21(2)(b)1 through 6; areas within a site that are the location of activities that are subject to an

individual National Pollutant Discharge Elimination System (NPDES) permit or the NPDES Multi-Sector General Permit; auto fueling facilities (gas stations); exterior fleet storage areas; exterior vehicle service and equipment cleaning areas; marinas and boatyards; parking lots with high intensity use; confined disposal facilities and disposal sites.

Low Impact Development (LID) Techniques - innovative stormwater management systems that are modeled after natural hydrologic features. Low Impact Development techniques manage rainfall at the source using uniformly distributed decentralized micro-scale controls. Low Impact Development techniques use small cost-effective landscape features located at the lot level.

Minor Repair of a Paved Surface - minor activities involving the reconstruction or rehabilitation of a previously paved surface such as fixing cracks and potholes or the resealing of paved surfaces with non-coal tar based products provided that the total area affected by such repairs does not exceed 5,000 square feet or 5% of the paved surface being repaired, whichever is less.

Municipal Separate Storm Sewer System or MS4 – all separate storm sewers that are owned or operated by the United States, the Commonwealth of Massachusetts, a city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under 33 U.S.C. § 1288 that discharges to waters of the United States.

Own - to have a legal or equitable ownership interest alone or with others in real property. For purposes of the RIA General Stormwater Permit, a person, other than a local government unit, that owns real property, includes, but is not limited to, an agent, executor, administrator, trustee, lessee or guardian of the estate for the holder of legal title. For purposes of the RIA General Stormwater Permit, a person whose only interest in real property is as a secured lender does not own the real property.

Plant-Associated Areas – areas on a tract of land devoted to industrial use that are connected to a plant’s industrial activities, including, without limitation, industrial plant yards, immediate access roads, drainage ponds, refuse piles, storage piles, storage areas, and material or product loading and unloading areas. The term “plant-associated areas” excludes areas located on plant lands that are separate from the plant’s industrial activities, such as office buildings and accompanying parking lots.

Qualifying Local Off-Site Mitigation Program or Qualifying Local OSM Program – a program developed and implemented by a local government unit in accordance with requirements established by the Department that allows a person who owns a lot within a RIA Site that is subject to one or more of the Additional Performance Standards set forth in Section V of the RIA General Stormwater Permit to pay a mitigation fee instead of implementing all the LID techniques and stormwater BMPs needed to meet the applicable Additional Performance Standards at the RIA Site. A Qualifying Local OSM Program may be part of a Qualifying Local RIA Program.

Qualifying Local RIA Program - a program developed and implemented by a local government unit for the regulation of stormwater discharges from RIA Sites that meets the requirements established by the Department for such programs. A Qualifying Local RIA Program may include a Qualifying Local OSM Program.

Redevelopment of Impervious Surfaces – projects for the reconstruction, rehabilitation, repair or improvement of a roof that by itself or in conjunction with other work results in the substantial improvement of a building or structure and projects for the reconstruction, rehabilitation, repair, or improvement of a paved surface where a paved surface already exists. Projects for the reconstruction, rehabilitation, repair or improvement of a paved surface include:

- (a) the full depth reconstruction of previously paved surface;
- (b) the scarifying of existing pavement to lay down a new top coat; and
- (c) any repaving of a previously paved surface other than a minor repair of a paved surface.

For the purposes of the RIA General Stormwater Permit, projects involving the reconstruction, rehabilitation, repair or improvement of a roof do not include the replacement of a roof with a green roof constructed in accordance with the Massachusetts Stormwater Handbook.

Regulated Impervious Area or RIA - five or more acres of impervious surfaces that are located on a single lot or two or more contiguous lots aggregated in accordance with Section VI of the Fact Sheet. A regulated impervious area may be comprised of less than five acres of impervious surfaces located on a single lot or two or more contiguous lots that are aggregated in accordance with Section VI of the Fact Sheet, if the Department specifies in a general permit that, based on a TMDL, it has determined that control of stormwater discharges from sites with less than five acres of impervious surfaces is necessary to achieve and/or maintain compliance with the Massachusetts Surface Water Quality Standards. When measuring the impervious surfaces to determine if a site meets or exceeds the applicable acreage threshold for a regulated impervious area, the following impervious surfaces shall not be included:

- (a) impervious surfaces owned or operated by a local government unit, the Commonwealth of Massachusetts or the Federal government: and
- (b) any impervious surfaces associated solely with any of the following land uses:
 - 1. sporting and recreational camps;
 - 2. recreational vehicle parks and campsites;
 - 3. manufactured housing communities;
 - 4. detached single-family homes located on individual lots; and

5. stand-alone multi-family houses with four or fewer units.

For the purpose of the RIA General Stormwater Permit, a stand-alone multi-family house with four or fewer units does not include any multi-family houses that are part of a condominium, cooperative, apartment complex, townhouse, or other residential or mixed-use development with more than four dwelling units, or any multi-family houses that share private access roads, driveways or parking areas with contiguous lots containing additional dwelling units.

Regulated Impervious Area Site or RIA Site - the single lot or contiguous lots on which a RIA is located.

Required Recharge Volume - the volume that is required to be infiltrated in accordance with Standard 3 of the Stormwater Management Standards as further elaborated by the Massachusetts Stormwater Handbook.

Required Redevelopment Volume - the required recharge volume or the required water quality volume, whichever is greater.

Required Water Quality Volume - the volume that is required to be treated in accordance with Standards 4 through 6 of the Stormwater Management Standards as further elaborated by the Massachusetts Stormwater Handbook.

Stormwater Best Management Practice or Stormwater BMP- a structural or nonstructural technique for managing stormwater to prevent or reduce pollutants from entering surface waters or ground waters. A structural stormwater best management practice includes a basin, discharge outlet, swale, rain garden, filter or other stormwater treatment practice or measure either alone or in combination including without limitation any overflow pipe, conduit, or weir control structure that: (a) is not naturally occurring; (b) is not designed as a wetland replication area; and (c) has been designed, constructed, and installed for the purpose of conveying, collecting, storing, discharging, recharging or treating stormwater. Nonstructural stormwater best management practices include source control and pollution prevention measures.

Stormwater Management System - a system for conveying, collecting, storing, discharging, recharging or treating stormwater on-site including stormwater best management practices and any pipes and outlets intended to transport and discharge stormwater to the ground water, a surface water or a municipal separate storm sewer system.

Stormwater Professional - a Massachusetts Registered Professional Engineer or a Massachusetts Registered Landscape Architect experienced in stormwater management.

Substantial Improvement of a Building or Structure - a project for the reconstruction, rehabilitation, repair or improvement of a building or structure where the total cost of the project exceeds 50% of the fair market value of the building or structure before the start of construction.

Total Maximum Daily Load (TMDL) - the sum of a receiving surface water's individual waste load allocations and load allocations and natural background which together with a margin of safety that takes into account any lack of knowledge concerning the relationship between effluent limitations and surface water quality, represents the maximum amount of a pollutant that a surface water body can receive and still meet the Massachusetts Surface Water Quality Standards in all seasons.

TMDL-Identified Stormwater-Impaired Surface Water - a surface water that is the subject of a Total Maximum Daily Load developed by the Department that identifies stormwater runoff from impervious surfaces as causing or contributing to a violation of the Massachusetts Surface Water Quality Standards and establishes a limit for the loadings of the pollutant of concern that come from the discharge of stormwater runoff from impervious surfaces.

Zone A - the land between a surface water source and the upper boundary of the bank, as defined in 310 CMR 22.02, to include the land within a 400-foot lateral distance from the upper boundary of a bank of a Class A surface water source as defined in 314 CMR 4.05(3)(a) and the land within a 200-foot lateral distance from the upper boundary of the bank of a tributary or associated surface water body.

Zone I - the protective radius around a public water supply well or wellfield as defined in 310 CMR 22.02. For public water supply systems with approved yields of 100,000 gallons per day (gpd) or greater, the protective radius is 400 feet. Tubular wellfields require a protective radius of 250 feet. The protective radii for all other public water system wells are determined by the following equation: Zone I radius in feet $+ [150 \times \log \text{ of pumping rate in gpd}] - 350$.

Zone II - the area of an aquifer that contributes water to a well under the most severe pumping and recharge conditions that can realistically be anticipated, as defined in 310 CMR 22.02.

IV. DEVELOPMENT AND IMPLEMENTATION OF THE STORMWATER MANAGEMENT PLAN FOR MEETING THE BASELINE PERFORMANCE STANDARDS. The permittee shall develop a Stormwater Management Plan (the "SMP") in accordance with Section IV of the RIA General Stormwater Permit and the RIA General Stormwater Permit Workbook that provides for the implementation of the measures required to meet the Baseline Performance Standards set forth in subsections (A) through (J) below at the Permitted RIA Site. At a minimum, the SMP shall include the following:

(A) Stormwater Management Team. The SMP shall provide for the establishment of a Stormwater Management Team responsible for implementing the SMP. The SMP shall identify the members of the Stormwater Management Team, including the person responsible or the overall implementation of stormwater management at the Permitted RIA Site. The SMP shall also identify the person on the Stormwater Management Team who is responsible for implementing each individual source control and pollution prevention measure identified in the plan.

At least one member of the Stormwater Management Team shall be an "on-site" employee. All members of the Stormwater Management Team shall be familiar with the

day-to-day activities at the Permitted RIA Site, all aspects of the stormwater management system, and the terms and conditions of the RIA General Stormwater Permit. The SMP shall also provide for a training program for members of the Stormwater Management Team.

(B) Sweeping Program. The SMP shall include a program for sweeping all paved surfaces at the Permitted RIA Site to keep them free of sand, litter, and other pollutants. At a minimum, the program shall provide for sweeping at least twice a year, once between November 14 and December 15 (after leaf fall) and once during the month of April (after snow melt). The SMP shall also provide for the proper disposal of street sweepings in accordance with the Bureau of Waste Prevention's Policy for the Reuse and Disposal of Street Sweepings.

(C) Management of Snow and Deicing Chemicals.

(1) The SMP shall include measures to minimize the risk that the snow removal and deicing activities, including, without limitation, the storage of snow removed from paved surfaces and the application and storage of deicing chemicals, will contribute pollutants to the stormwater discharged from the Permitted RIA Site or interfere with the proper operation of the stormwater management system. At a minimum, these measures shall include the designation of areas for snow disposal in accordance with the Bureau of Resource Protection's Snow Disposal Guidance and the proper storage of deicing materials in accordance with the Bureau of Resource Protection's Guidelines on Deicing Chemical Storage. These measures shall also include standard operating procedures for the loading and unloading of deicing chemicals.

(2) Special Rules for the Management of Snow and Deicing Chemicals in Water Supply Protection Areas.

(a) If any portion of the Permitted RIA Site is located within a Zone I of a public water supply, the SMP shall prohibit the storage of deicing chemicals and the stockpiling of snow within the Zone I, unless such activities are essential to the operation of the public water system.

(b) If any portion of the Permitted RIA Site is located within a Zone A, Zone II or IWPA of a public water supply, the SMP shall prohibit the following activities within the Zone A, Zone II or IWPA:

1. The storage of sodium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate; and
2. The stockpiling and disposal of snow or ice that has been removed from paved surfaces located outside of the water supply protection area and that contains sodium chloride, chemically treated abrasives or other chemicals used for snow and ice removal.

(D) Management of Solid Waste and Hazardous Materials. The SMP shall include measures for the management of solid waste and hazardous materials to minimize the risk that stormwater discharges from the Permitted RIA Site will be contaminated or interfere with the proper operation of the stormwater management system. Where appropriate, these measures shall include measures to provide for the proper disposal of pet waste. At a minimum, this program shall include weekly inspections of the Permitted RIA Site for trash and debris and the proper disposal of any trash and debris discovered as a result of these inspections.

(E) Stabilization of Disturbed Pervious Areas. The SMP shall include measures to minimize the risk that any disturbed pervious surfaces will contribute pollutants to the stormwater discharges from the Permitted RIA Site. These measures shall include the implementation of an erosion control program to identify and repair erosion adjacent to parking lots, access roads and driveways operated by the permittee. At a minimum, such a program shall include monthly inspections by a member of the Stormwater Management Team who will examine the shoulders, embankments, ditches and soils adjacent to the parking lots, access roads and driveways for signs of erosion and make any repairs necessary to maintain their stability and prevent sedimentation.

(F) Proper Management of Landscaped Areas.

(1) The SMP shall include measures to minimize the risk that any landscaped pervious surfaces will contribute pollutants to the stormwater discharges from the Permitted RIA Site. At a minimum, these measures shall include standard operating procedures for the proper storage, use, and disposal of fertilizers, pesticides, and herbicides, the proper management of vegetative waste and, where appropriate, the planting of native vegetation. If stormwater discharges from the Permitted RIA Site can reasonably be expected to impact a TMDL-identified stormwater-impaired surface water, the SMP shall also include measures to reduce or eliminate the use of fertilizers containing phosphorus.

(2) Special Rules for the Proper Management of Landscaped Areas Within Water Supply Protection Areas

(a) If any portion of the Permitted RIA Site is within a Zone I of a public water supply, the SMP shall prohibit the storage of fertilizers, unless such storage is essential to the operation of the public water system.

(b) If any portion of the Permitted RIA Site is within a Zone A, Zone II, or IWPA of a public water supply, the SMP shall prohibit the storage within the Zone A, Zone II or IWPA of animal manures and commercial fertilizers, as defined in M.G.L. c. 128, § 64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

(c) If any portion of the Permitted RIA Site is within a Zone I, Zone A, Zone II, or IWPA of a public water supply, the SMP shall include measures to reduce or eliminate the use of fertilizers containing nitrogen.

(G) Additional Pollution Prevention and Source Control Measures for Portions of the Permitted RIA Site Devoted to Non-residential Uses. The SMP shall also include standard operating procedures and an implementation schedule for carrying out the following additional source control and pollution prevention measures on those portions of the Permitted RIA Site that are devoted to non-residential uses:

(1) Measures to ensure that all raw materials, intermediate products, by-products, final products, accessories and equipment stored outside are covered or moved inside or maintained in a manner that avoids or minimizes the risk that these materials or their residue will contaminate a stormwater discharge;

(2) Measures for ensuring that no water from the washing of any raw materials, intermediate products, by-products, final products, waste materials, accessories, equipment, storage areas, outside sales/garden areas, loading docks, or parking areas, or from the washing of vehicles or buildings with detergents shall be discharged to a stormwater management system, municipal separate storm sewer system, or a water of the Commonwealth; and

(3) Measures to address any raw materials, intermediate products, waste materials, accessories or equipment which could possibly discharge to a stormwater management system, the municipal separate storm sewer system, or waters of the Commonwealth (the "Spill Plan"). The Spill Plan shall include measures to avoid such spills in areas exposed to rain, snow, snowmelt or runoff and to keep such spills from reaching areas exposed to rainfall. The Spill Plan shall also include response measures to prevent a spill from being exposed to stormwater or entering the structural stormwater BMPs, the stormwater management system, the municipal separate storm sewer system, or waters of the Commonwealth. The Spill Plan shall provide for the storage of any hazardous materials, oil, and/or industrial wastewater in accordance with all applicable state laws and regulations including without limitation 310 CMR 30.000 and 314 CMR 18.000. The Spill Plan shall also include procedures for notifying the Department of any oil or hazardous material releases as required by M.G.L. c. 21E and 310 CMR 40.0000.

(H) Operation and Maintenance of LID Techniques and Structural Stormwater BMPs. If there are any LID techniques and/or structural stormwater BMPs at the Permitted RIA Site, the SMP shall include measures to ensure their proper operation and maintenance and to eliminate and prevent any illicit discharges. At a minimum, these measures shall include monthly inspections, periodic removal of accumulated sediment, routine maintenance, and any repairs needed to eliminate any illicit discharges and ensure that the LID techniques and structural stormwater BMPs are capable of operating as designed. The measures shall also include the proper management of the sludge and sediments such as catch basin cleanings removed from structural stormwater BMPs.

(I) Implementation of the Construction Period Erosion and Sedimentation Controls and Pollution Prevention and Source Control Measures Required by the Construction General Permit. The SMP shall include measures to ensure that any work involving the development or redevelopment of impervious surfaces and/or the construction of LID techniques or structural stormwater BMPs that is required to be covered by the National Pollutant Discharge Elimination System Construction General Permit (the “NPDES CGP”) is covered by and complies with the terms and conditions of that permit. The NPDES CGP requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP) that calls for the implementation of measures for erosion and sedimentation control, source control, and pollution prevention during construction and land disturbance activity. The SMP shall provide for the development and implementation of the SWPPP as required by the NPDES CGP.

(J) Log. The SMP shall include standard operating procedures for keeping a log of all actions taken to implement the plan. The log shall detail the date of each action, the person performing the action, and the nature of the action. A copy of all logs for the past five years shall be kept at the Permitted RIA Site and made available to the Department upon request.

(K) Submission of the SMP. The SMP shall be submitted to the Department with the first Annual Compliance Certification required by Section VI (A) of the RIA General Stormwater Permit.

(L) Implementation of the SMP. Commencing with the deadline for submission of the SMP set forth in Sections IV (K) and VI (A) of the RIA General Stormwater Permit and continuing thereafter, the permittee shall implement the SMP.

V. ADDITIONAL PERFORMANCE STANDARDS.

(A) Development of Impervious Surfaces. A permittee who owns a lot that is undergoing a project for the development of impervious surfaces that at the time that land disturbance or construction activity commences is located within an existing RIA Site, or that upon completion of the project will be located at a RIA Site, shall implement LID techniques and/or stormwater BMPs capable of meeting Standards 3 through 6 of the Stormwater Management Standards, as further elaborated by the Massachusetts Stormwater Handbook and the RIA General Stormwater Permit Workbook.

(B) Redevelopment of Impervious Surfaces. A permittee who owns a lot that that is undergoing a project involving the redevelopment of impervious surfaces shall meet the following Additional Performance Standard. The project shall include the implementation of LID techniques and stormwater BMPs that are capable of providing at least the same level of peak-rate attenuation, recharge and water quality treatment that was provided by the stormwater management system in existence prior to the initiation of the project for the redevelopment of impervious surfaces. The project shall also include the implementation of infiltration BMPs that are capable of infiltrating at least 40% of the required redevelopment volume. To the extent that site constraints prevent the implementation of infiltration BMPs that are fully capable of infiltrating 40% of the required redevelopment volume, the project shall include the implementation of other stormwater BMPs, LID techniques and environmentally sensitive

designs that are capable of reducing impervious surfaces and/or treating the required redevelopment volume such that:

- (1) The combination of the percentage of the required redevelopment volume that is infiltrated and the percentage of the impervious surfaces that are reduced equals 40%; or
- (2) The combination of the required redevelopment volume that is infiltrated and the percentage of the required redevelopment volume that is treated by means other than infiltration BMPs equals 40%; or
- (3) The combination of the required redevelopment volume that is infiltrated, the percentage of the impervious surfaces that are reduced, and the percentage of the required redevelopment volume that is treated by means other than infiltration BMPs equals 40%.

For any project for the redevelopment of impervious surfaces that includes the implementation of stormwater BMPs or LID techniques other than infiltration BMPs as provided herein, the Stormwater Report required by Section VI (D) of the RIA General Stormwater Permit shall identify the site constraints that prevented or limited the use of infiltration BMPs.

(C) Discharges to TMDL-Identified Stormwater-Impaired Surface Waters. A permittee who owns a RIA Site or portion thereof that can reasonably be expected to result in a stormwater discharge to the Charles River or a TMDL-identified stormwater-impaired surface water listed in Appendix A shall equip the RIA Site with infiltration BMPs that are capable of achieving the phosphorus reductions required to meet the phosphorus loading limitations set forth in the TMDL. For RIA sites with impervious surfaces located within the contributing drainage area to the Charles River, the required reduction in phosphorus loadings from stormwater discharges is 65%. For the other TMDL-identified stormwater-impaired surface waters listed in Appendix A, the required reductions in phosphorus loadings from stormwater discharges are set forth in Appendix A. To the extent that site constraints prevent the installation of infiltration BMPs that are fully capable of achieving the required phosphorus reduction, other stormwater BMPs and LID techniques that are capable of achieving the required phosphorus reductions shall be implemented. If LID techniques and stormwater BMPs that remove phosphorus by means other than infiltration are used to meet the applicable phosphorus removal requirement, the Stormwater Report required by Section VI (D) of the RIA General Stormwater Permit shall identify the site constraints that prevented or limited the use of infiltration BMPs.

(D) Requirements for the Design, Construction, Operation, and Maintenance of LID Techniques and Structural Stormwater BMPs. All LID techniques and structural stormwater BMPs constructed to meet one or more of the Additional Performance Standards set forth in Sections V (A), (B), or (C) of the RIA General Stormwater Permit shall be:

- (1) Designed by a Stormwater Professional; and
- (2) Designed, constructed, operated and maintained in accordance with the applicable provisions of the Stormwater Management Standards, the Massachusetts Stormwater Handbook, and the RIA General Stormwater Permit Workbook including without

limitation the requirements applicable to the design and construction of LID techniques and stormwater BMPs intended to manage stormwater runoff from land uses with higher potential pollutant loads, the requirements applicable to the design and construction of LID techniques and stormwater BMPs with discharges near or to critical areas, the requirements applicable to the design and construction of LID techniques and stormwater BMPs located in areas with an infiltration rate greater than 2.4 inches per hour, and the requirements applicable to the design and construction of LID techniques and stormwater BMPs capable of removing phosphorus.

(E) Requirements for Water Supply Protection

(1) Any infiltration BMP constructed to meet one or more of the Additional Performance Standards set forth in Sections V (A), (B), or (C) of the RIA General Stormwater Permit shall be located:

- (a) at least 100 feet from a private water supply well; and
- (b) outside the Zone I of a public water supply well or wellfield unless the discharge is essential to the operation of the public water system.

(2) No infiltration BMP that is constructed within a Zone II or IWPA of a public water supply to meet one or more of the Additional Performance Standards set forth in Sections V (A), (B), or (C) of the RIA General Stormwater Permit shall receive stormwater runoff from a land use or activity that is listed in

- (a) 310 CMR 22.21(2)(a)(1) - (8); or
- (b) 310 CMR 22.21(2)(b)(1)-(7), unless the land use is designed to meet the performance standards set forth therein.

(3) No LID technique or structural stormwater BMP constructed to meet one or more of the Additional Performance Standards set forth in Sections V (A), (B), or (C) of the RIA General Stormwater Permit shall have an outlet within the Zone A of a public water supply unless:

(a) The discharge does not increase the pollutant loadings to the surface water supply above the loadings in existence on *date* (effective date of the regulations); and

(b) The stormwater originates on impervious surfaces

- 1. That were fully permitted under all applicable local, state, and federal laws and regulations prior to *date* (effective date of RIA General Stormwater Permit), or

2. If no permits were required, at least some land disturbance or construction activity began prior to *date* (effective date of RIA General Stormwater Permit); and

3. The project proceeds continuously and expeditiously to completion.

For the purpose of the RIA General Stormwater Permit, a project that does not go forward for a period of six months or more, after all required final permits are obtained, or after construction or land disturbance activity begins, is not considered to be proceeding continuously and expeditiously to completion.

(F) Use of LID Techniques and/or Structural Stormwater BMPs Approved by a Local Government Unit to Meet the Additional Performance Standards. A LID technique and/or structural stormwater BMP approved by a local government unit on or after November 18, 1996 in response to an application filed prior to *date* (effective date of RIA General Stormwater Permit) may be used to meet some or all of the Additional Performance Standards set forth in Sections V (A), (B), and (C) of the RIA General Stormwater Permit without complying with all of the requirements of Sections V (D) and (E) of the RIA General Stormwater Permit, provided that the local government unit approved the LID technique and/or structural stormwater BMP in response to an application that was submitted on or after November 18, 1996, and the LID technique and/or structural stormwater BMP was designed to meet requirements at least as stringent as the Stormwater Management Standards set forth in the Department's November 18, 1996 Stormwater Policy.

(G) Deadlines for Compliance with Additional Performance Standards. Any permittee who owns a RIA Site or portion thereof that is subject to one or more of the Additional Performance Standards set forth in Sections V (A), (B) and (C) of the RIA General Stormwater Permit shall complete the design and/or construction of the LID techniques and structural stormwater BMPs used to meet the Additional Performance Standards as follows:

(1) Development and Redevelopment of Impervious Surfaces. For any RIA Site subject to the Additional Performance Standards for the development and/or redevelopment of impervious surfaces, the LID techniques and structural stormwater BMPs required to comply with all applicable Additional Performance Standards shall be designed and constructed on or before the date project for the development or redevelopment is complete the impervious surfaces is complete. For purpose of the RIA General Stormwater Permit, a project for the development and/or redevelopment of impervious surfaces is complete when all work involving the construction of impervious surfaces is complete.

(2) Discharges to TMDL-Identified Stormwater-Impaired Surface Waters. For all other RIA Sites that are subject to the Additional Performance Standard for activities that can reasonably be expected to result in a stormwater discharge to a TMDL-identified stormwater-impaired surface water, the design for the LID techniques and structural stormwater BMPs shall be completed, on or before *date* (180 days prior to the expiration of the RIA General Permit).

(H) Exemption For LID Techniques and/or Structural Stormwater BMPs Subject to Regulation Under 310 CMR 10.00 or 314 CMR 9.00. The provisions of Sections V (A), (B), and (C) of the RIA General Stormwater Permit do not apply to a RIA Site or portion thereof, if all the runoff from the RIA Site or the portion thereof can reasonably be expected to result in a discharge to LID techniques and structural stormwater BMPs that are required to be approved and are approved in a Final Order of Conditions issued by a conservation commission or the Department pursuant to the Wetland Protection Act Regulations, 310 CMR 10.00, or a 401 Water Quality Certification issued by the Department pursuant to the regulations entitled “401 Water Quality Certification for Discharge of Fill Material, Dredging, and Dredged Material Disposal in Waters of the United States”, 314 CMR 9.00, in response to a permit application submitted on or after November 18, 1996.

(I) Off-Site Mitigation. A permittee that owns a RIA Site or portion thereof may use off-site mitigation to meet the Additional Performance Standard for the redevelopment of impervious surfaces set forth in Section V (B) of the RIA General Stormwater Permit and/or the Additional Performance Standard for discharges to TMDL-identified stormwater-impaired surface waters set forth in Section V (C) of the RIA General Stormwater Permit provided the permittee complies with all the terms and conditions for using off-site mitigation set forth in Appendix B. Off-site mitigation may not be used to meet the Additional Performance Standard for the development of impervious surfaces set forth in Section V (A) of the RIA General Stormwater Permit.

(J) Variance. A permittee who owns a lot that is subject to the Additional Performance Standard for the redevelopment of impervious surfaces set forth in Section V (B) of the RIA General Stormwater Permit may request a variance from that Additional Performance Standard provided the permittee complies with all the terms and conditions for obtaining a variance set forth in Appendix C.

VI. SUBMISSIONS

(A) Time and Procedures for Submission of Annual Compliance Certification. On or before *date* (anniversary of the effective date of the RIA General Stormwater Permit) of each year, the permittee shall submit an Annual Compliance Certification to the Department. Except as otherwise provided herein, the permittee shall submit the first Annual Compliance Certification on or before *date* (the first anniversary of the effective date of the RIA General Stormwater Permit). If permit coverage is granted on or after *date* (120 days before the first anniversary of the effective date of the RIA General Stormwater Permit), the permittee may submit the first Annual Compliance Certification on or before *date* (the second anniversary of the effective date of the RIA General Stormwater Permit). The Annual Compliance Certification shall be:

- (1) On a form prescribed by the Department;
- (2) Accompanied by the fee established by the Department pursuant to 310 CMR 4.00;
and

(3) Signed and certified in accordance with Section VI (J) through (L) of the RIA General Stormwater Permit.

(B) Information Required to be Included in Annual Compliance Certification. The Annual Compliance Certification shall:

(1) State whether the stormwater originating at the Permitted RIA Site is being managed in accordance with the Baseline Performance Standards set forth in Section IV (A) through (J) of the RIA General Stormwater Permit;

(2) Identify any noncompliance with a Baseline Performance Standard that occurred within the last twelve months;

(3) If noncompliance with the Baseline Performance Standards is reported, state what steps the permittee has taken or will take to return to compliance promptly and the date by which compliance will be achieved;

(4) Include a status report on any land disturbance or construction activity associated with the development or redevelopment of impervious surfaces that has taken place over the last twelve months; and

(5) Provide any information required by the Department to assess compliance with the RIA General Stormwater Permit and/or to evaluate the effectiveness of the RIA General Stormwater Permit.

(C) Stormwater Professional's Certification. A permittee who owns a RIA Site that is subject to one or more of the Additional Performance Standards set forth in Sections V (A), (B), and (C) of the RIA General Stormwater Permit shall submit a certification by a Stormwater Professional that the LID techniques and structural stormwater BMPs comply with all applicable requirements of the RIA General Stormwater Permit. The Stormwater Professional's Certification shall be prepared in accordance with the RIA General Stormwater Permit Workbook, submitted on a DEP-approved form and signed and certified in accordance with Section VI (J) through (L) of the RIA General Stormwater Permit.

(D) Stormwater Report. The Stormwater Professional who prepared the certification required by Section VI (C) of the RIA General Stormwater Permit shall prepare a written report (the "Stormwater Report") documenting that the LID techniques and structural stormwater BMPs comply with all applicable requirements of the RIA General Stormwater Permit. The Stormwater Report shall be prepared in accordance with the RIA General Stormwater Permit Workbook and submitted along with the Stormwater Professional's Certification.

(E) Deadlines for Submission of Stormwater Professional's Certification and Stormwater Report. Any permittee who owns a RIA Site or portion thereof that is subject to one or more of the Additional Performance Standards set forth in Sections V (A), (B) and (C) of the RIA General Stormwater Permit shall submit the Stormwater Professional's Certification and accompanying Stormwater Report as follows:

(1) Development and Redevelopment of Impervious Surfaces. For any RIA Site subject to the Additional Performance Standards for the development and/or redevelopment of impervious surfaces, the permittee shall submit the Stormwater Professional's Certification and accompanying Stormwater Report with the first Annual Compliance Certification following completion of the project for the development or redevelopment of impervious surfaces. For purpose of the RIA General Stormwater Permit, a project for the development and/or redevelopment of impervious surfaces is completed when all work involving the construction of impervious surfaces at the Permitted RIA Site is complete.

(2) Discharges to TMDL-Identified Stormwater-Impaired Surface Waters. For all other RIA Sites that are subject to the Additional Performance Standard for activities that can reasonably be expected to result in a stormwater discharge to a TMDL-identified stormwater-impaired surface water, the Stormwater Professional's Certification and accompanying Stormwater Report shall be submitted on or before *date* (180 days prior to the expiration of the RIA General Permit).

(F) Transfer of Coverage Under the RIA General Stormwater Permit. Coverage under the RIA General Stormwater Permit shall be automatically transferred if:

(1) The current permittee notifies the Department in writing of the proposed transfer at least 30 days in advance of the proposed transfer date;

(2) The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

(3) The Department does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the individual permit or coverage under the general permit or that it requires additional information before the transfer may take effect. In that event, the transfer is effective on the date set forth in the written agreement described Section VI (F) (2) of the RIA General Stormwater Permit.

(G) Renewal of Coverage under the RIA General Stormwater Permit. The Permittee shall request renewal of coverage under the RIA General Stormwater Permit on or before *date* (180 days prior to the expiration of the RIA General Stormwater Permit). The permittee shall provide public notice of the request for renewal of coverage under the RIA General Permit in a newspaper of general circulation in the area where the RIA Site is located, the Environmental Monitor, and the Central Register. If the RIA Site involves any activities that can reasonably be expected to result in a stormwater discharge to the ground water within a Zone I, Zone II or IWPA of a source of potable water for a public water supply or a stormwater discharge to a Zone A, the permittee shall give the public water supplier written notice of the request for renewal of coverage under the RIA General Stormwater Permit. The permittee shall request renewal of such coverage by submitting the applicable DEP-approved forms and paying the applicable fees. The request for

renewal of permit coverage shall be signed and certified in accordance with Section VI (J) through (L) of the RIA General Stormwater Permit.

(H) Termination of Permit Coverage. A permittee who believes he or she is no longer required to be covered under the RIA General Stormwater Permit shall request termination of general permit coverage by submitting the applicable DEP-approved form. Any request for termination shall include the reasons for the request. Possible reasons for such a request include the establishment of a Qualifying Local RIA Program. The request for termination of permit coverage shall be signed and certified in accordance with Section VI (J) through (L) of the RIA General Permit.

(I) Electronic Submissions. All submissions required by the RIA General Stormwater Permit shall be sent electronically to the Department as set forth in (*web link*). If electronic filing is not feasible, a paper form for the submission may be obtained from the Department by contacting the Bureau of Resource Protection at DEP.Waterpermitting@state.ma.us or 617-292-5821.

(J) Signature Requirements. All submissions required by the RIA General Stormwater Permit shall be signed as follows:

(1) For a corporation or limited liability corporation: by a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function and duly authorized by the Board of Directors, or any other person who performs similar policy or decision-making functions for the corporation or to whom authority to sign documents has been assigned or delegated in accordance with corporate procedures;

(2) For a partnership or limited partnership: by a general partner;

(3) For a sole proprietorship: by the proprietor;

(4) For a trust: by the trustee; and.

(5) If the RIA Site is owned by more than one person, by the primary representative designated by the persons who own the RIA Site or portions thereof.

(K) Certification Requirements. All submissions required by the RIA General Stormwater Permit shall be accompanied by the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. I further certify that this document has been signed as required by the Department. Based on my diligent inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.”

(L) Additional Certification for RIA Sites with More than One Owner. If the Permitted RIA Site is owned by more than one person, the submission shall also include the following certification by the primary representative:

“I attest under the penalties of perjury that I am the primary representative authorized to act on behalf of all the owners of the RIA Site for the following purposes: (i) to receive oral and written correspondence from the Department with respect to any matters arising in connection with the Initial Certification, the RIA General Stormwater Permit, the Annual Compliance Certifications, the renewal of coverage under the RIA General Stormwater Permit, and any submissions required by the RIA General Stormwater Permit. (ii) to receive oral and written correspondence with respect to any issues pertaining to the terms and conditions of the RIA General Stormwater Permit including without limitation, the Baseline Performance Standards set forth in Section IV of the RIA General Stormwater Permit and, if applicable, the Additional Performance Standards set forth in Section V of the RIA General Stormwater Permit and/or the requirements for off-site mitigation set forth in Appendix B to the RIA General Permit; (iii) to receive any statement of fee in connection with the RIA General Stormwater Permit; and (iv) to prepare, submit, sign and certify this document on behalf of all owners of the RIA Site. I am aware that there are significant penalties, including, but not limited to, possible fines and imprisonment for willfully submitting false, inaccurate or incomplete information.”

VII. GENERAL CONDITIONS.

(A) No discharge authorized in the permit shall cause or contribute to a violation of the Massachusetts Surface Water Quality Standards or impair the ability of the ground water to act as an actual or potential source of potable water.

(B) Duty to comply. The permittee shall comply at all times with the terms and conditions of the permit, M.G.L. c. 21, §§ 26 through 53, and all applicable State and Federal statutes and regulations.

(C) Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any adverse impact on human health or the environment resulting from non-compliance with the permit.

(D) Duty to provide information. The permittee shall furnish to the Department within a reasonable time as specified by the Department any information which the Department may request to determine whether cause exists for modifying, revoking, reissuing or terminating the permit or permit coverage or to determine whether the permittee is complying with the terms and conditions of the permit. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

(E) Inspection and entry. The permittee shall allow the Department or its authorized representatives to:

(1) Enter upon the permittee's premises where the stormwater is being discharged to a municipal separate storm sewer system, a stormwater management system, a structural stormwater best management practice, or a water of the Commonwealth, or where records required by the permit are kept;

(2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(3) Inspect at reasonable times any low impact development techniques, structural or non-structural stormwater best management practices, stormwater management systems, or stormwater discharges regulated or required under the permit; and

(4) Sample or monitor at reasonable times for the purpose of determining compliance with the RIA General Stormwater Permit and M.G.L. c. 21, §§ 26 through 53.

(F) Proper operation and maintenance. The permittee shall at all times properly operate and maintain all low impact development techniques, structural stormwater best management practices and other facilities and equipment installed or used to achieve compliance with the terms and conditions of the RIA General Stormwater Permit.

(G) Property rights. The permit does not convey any property rights of any sort or any exclusive privilege.

(H) Other laws. The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, nor does it relieve the permittee of its obligation to comply with any other applicable Federal, State, and local laws and regulations.

(I) Oil and hazardous substance liability. Nothing in the permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Federal Act, 33 U.S.C. § 1321 and M.G.L. c. 21E.

(J) Severability. The provisions of the permit are severable, and if any provision of the permit, or the application of any provision of the permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.

(K) Reopener clause. The Department reserves the right to make appropriate revisions to the permit in order to establish any appropriate schedules of compliance, or other provisions which may be authorized under the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53 or the Federal Act, 33 U.S.C. §1251 *et seq.* in order to bring all discharges into compliance with said statutes.

(L) Permit compliance fees. Except as otherwise provided, any permittee required to obtain a stormwater discharge permit pursuant to M.G.L. c. 21, § 43 and the regulations promulgated thereunder, shall be required to submit the annual compliance assurance fee established in accordance with M.G.L. c. 21A, § 18 and 310 CMR 4.00 as provided in 314 CMR 2.12.